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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,494	11/28/2000	Harry C. Sweere	1333.001US1	6970
22859	7590	06/03/2004	EXAMINER	
INTELLECTUAL PROPERTY GROUP			BAXTER, GWENDOLYN WRENN	
FREDRIKSON & BYRON, P.A.			ART UNIT	PAPER NUMBER
4000 PILLSBURY CENTER				
200 SOUTH SIXTH STREET			3632	
MINNEAPOLIS, MN 55402			DATE MAILED: 06/03/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/724,494	SWEERE ET AL.
Examiner	Art Unit	
Gwendolyn Baxter	3632	<i>ML</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 March 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 21,24-33,37-40,42-44,46 and 47 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 24-33 and 37-40 is/are allowed.  
 6) Claim(s) 21,42-44,46 and 47 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 November 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_\_.

This is the fourth office action for serial number 09/724,494, Monitor Support System, filed on November 28, 2000.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the angle between the path and direction of the force applied by the energy storage member must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21, 42-44 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,246,191 to Moss. The present invention reads on Moss as follows: Moss teaches a support mechanism comprises a guide (not numbered but labeled), a cam (22), a cam follower (23), a force member (24), and a truck (not numbered but labeled). The guide has a path of motion associated therewith. The cam

has a cam profile. The cam follower is adapted to ride on the cam. The force member is to apply a force to the cam follower forcing the cam follower against the cam. The force is in a direction non-parallel to the path of motion. The cam applies a reaction force against the cam follower converts the force member force into a first reaction force component in the direction of the path of motion and a second reaction force component. The truck is coupled to the monitor or support (17) and is coupled with the at least one cam follower, movably coupled with the guide, and movable along the path of motion. The force member applies an increasing force on the cam follower as the truck moves along the path of motion. The cam profile comprises a shape wherein the first reaction force component is a substantially constant supporting force on the monitor or support. An arm (25) is rotatably coupled to the truck and having a distal end coupled to the cam follower. The cam profile generally faces and does not intersect an axis of motion of the truck. The path of motion is oriented in a vertical direction. The cam includes a pair of outward facing cam surfaces (20) having an increasing width there between towards a lower end of the cam surfaces. The cam follower and energy storage member move in a generally planar arrangement with each other. The spring member increases a pre-load force on the force component. A frictional force prevents the truck from moving until the friction force overcomes by a pre-determined outside force applied to the truck. Each cam follower rides on the cam surface and rotates the cam to increase the spring force.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moss in view of U.S. Patent No. 5,685,525 to Oguri. Moss teaches the limitations of the base claim, excluding the energy storage member or spring formed by fiberglass spring. Oguri teaches an energy storage member formed by fiberglass spring (col. 3, lines 1+). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the energy storage member as taught by Moss to have incorporated the fiberglass material as taught by Oguri for the purpose of improving the impact resistance characteristics of the surface of the coil spring.

***Allowable Subject Matter***

Claims 24-32 and 37-40 are allowed.

***Response to Arguments***

Applicant argues Moss fails to provide a substantially constant angle between the path of the path and the direction of the force provided by the storage member. Nonetheless, an angle between the path and the direction of the force applied by the energy storage member remains substantially constant as the monitor moves along the

path. This angle is not affected by the tilted fore and aft motion of the armrest of Moss as asserted by applicant.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

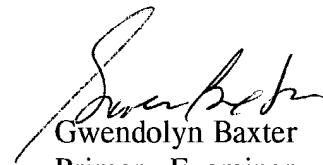
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702. The examiner can normally be reached on Monday-Wednesday, 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gwendolyn Baxter  
Primary Examiner  
Art Unit 3632

May 31, 2004